

REMARKS**A. Amendment to the claims**

Claims 1-24 are pending in this application. Claims 1 and 12 have been amended to further clarify the invention. Support for the amendments of claims 1 and 12 can be found in original claims 1 and 12. Accordingly, no new matter has been introduced into the application as a result of the present amendment.

B. Rejection under 35 U.S.C. § 102(b) based on Weiss

Claims 1-24 were rejected under 35 U.S.C. § 102(b) as being anticipated in view of Weiss U.S. Patent publication 2002/0174031 ("Weiss"). The detailed basis for the rejection can be found in paragraph nos. 2-7 of the office action. Applicants respectfully traverse the rejection.

In order for a reference to anticipate the claims of an invention, that reference must teach each and every element set forth in the claims. M.P.E.P. § 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). In other words, an anticipatory reference must disclose "[t]he identical invention in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Further, "[a]n anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed." *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545 (Fed. Cir. 1998). Thus, if at least one element of the claims is missing from a reference, then that reference cannot support a rejection under 35 U.S.C. §102. Furthermore, where anticipation is based on a single reference, mere recitation of all the elements set forth in the claims is not sufficient. The Federal Circuit Court in *Finisar Corp. v. DirectTV Group, Inc.*, 523 F.3d 1323 (Fed. Cir. 2008) stated that "disclosure of each element is not quite enough—this court has long held that '[a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention *arranged as in the claim.*'" *Id.* at 1334–35 (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983) (citing *Soundscriber Corp. v. United States*, 360 F.2d 954, 960 (Ct. Cl. 1966)). Contrary to the Examiner's position, Weiss does not teach all the

elements of the claimed invention nor does he teach all of the elements of the presently claimed invention as arranged in the instant claims. Accordingly, Weiss cannot anticipate the claimed invention.

The present invention relates to a method and system for effecting payment card transactions. When a single payment card transaction occurs, two individual transaction records are created, namely (i) a first payment card transaction record is created between a first merchant and a second payment card holder for a first transaction amount in the first currency and (ii) second payment card transaction record is created between a second merchant and a first payment card holder wherein the second transaction record identifies a second transaction amount in a second currency equal to the amount of the first transaction. As a result of creating first and second payment card transaction records within the context of performing a single payment card transaction, the counterpart (the second cardholder and second merchant) automatically cancels, such that the issuers' statements can proceed entirely unaffected by the problem of "ghost copy processing" (see application at paragraph [0009])), sparing card holders from the problem of double debiting and the administrative burden of rectifying same. This surprising advantage brought about by the presently claimed invention is not achievable by the system disclosed in Weiss. Namely, the present invention eliminates the requirement of reconfiguring the hardware and/or software aspects of the data processing systems ("hosts") of card schemes/acquiring banks and currency conversion schemes, and further eliminates the need to reconfigure the hardware aspects of payment card processing systems ("payment card terminals") of merchants, however both types of data processing systems in the system according to the invention are endowed with the additional functionality of amalgamating records with no duplication, such that no additional data processing is required at the hosts.

Examiner had alleged that Weiss (paragraph [0066]) teaches creating a first payment card transaction record between a first merchant and a second cardholder. Applicant respectfully disagrees, as Weiss at paragraphs [0066] and [0067] relate to separate and distinct transactions, each involving a single cardholder and a single merchant. For instance, Weiss paragraph [0066] relates to a conventional 'same-currency' payment card transaction, and Weiss paragraph [0067] relates to a

conventional 'multi-currency' payment card transaction.

Applicant submits that the step of creating a first payment card transaction record between a first merchant and a second cardholder, as recited in amended claim 1, cannot be dissociated from the following recited step of creating a second payment card transaction record between a second merchant and the first cardholder since the first and second transaction records arise from a single payment card transaction. Thus, the Examiner's reliance on paragraph [0066] is inapt since that paragraph does not in any way relate to a plurality of cardholders partaking in a single payment card transaction.

Examiner had alleged that Weiss at paragraph [0067] teaches creating a second payment card transaction record between a second merchant and the first cardholder and further teaches creating this second payment card transaction for a second transaction amount in a second currency, which is allegedly equivalent to the amount of the first transaction converted in the second currency.

Contrary to the Examiner's position, Weiss at Paragraphs [0067] and [0068] both disclose that a card holder selects an alternate currency to the habitual currency of the merchant, with which to process a payment card transaction. The Weiss system then downloads a corresponding exchange rate and eventually processes the card payment transaction in the selected alternate currency with a remote 'multi-currency processor', either at the time of the transaction if suitable connectivity is in place, or later from database-stored transaction details. Weiss does not teach a plurality of merchants partaking in a single payment card transaction as presently claimed. See instant claims 1 and 12.

Examiner further alleged that Weiss at paragraph (0069) teaches submitting the first and second transaction records for processing as payment card transaction record. Applicants respectfully disagree, since Weiss does not disclose a payment card transaction comprising two transaction records, nor does Weiss discloses to use a counterpart (embodied as the second cardholder of the first transaction record and the second merchant of the merchant transaction record) which automatically cancels when the said first and second transactions are processed, thereby resulting in the said single payment card transaction.

In view of the above comments and amendments, the Applicants respectfully

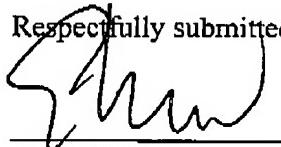
submit withdrawal of the § 102(b) rejection of claims 1-24 based on Weiss is in order and is respectfully requested.

C. Conclusion

In view of the above comments and amendments, the Applicant submits that the claims are in condition for an allowance. Notice to this effect is respectfully requested.

Respectfully submitted,

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